

Central Intelligence Agency



Washington, D.C. 20505

5 August 2010

James H. Lesar, Esquire  
1003 K Street, NW  
Washington, D.C. 20001

Reference: F-1994-00036  
F-1998-00734  
F-1998-00735  
F-1998-00736  
F-1998-00742  
D.C. Cir. No. 04-5235

Dear Mr. Lesar:

This is further to our letter dated 7 November 2005 which concerns your 5 January 1994 and 23 April 1998 Freedom of Information Act (FOIA) requests and your subsequent litigation above made on behalf of your client, Roger Hall, as it pertained to several subjects. Specifically, this letter addresses two documents previously denied in our response to you dated 7 November 2005. While indexing the 26 documents previously denied for our Vaughn, we have now determined that two documents can be released. Enclosed is one document that can be released in its entirety (C00437023), and one document that can be released in segregable form with deletions made on the basis of FOIA exemption (b)(3). Because the information in question is the subject of pending litigation in federal court, the CIA cannot accept any administrative appeal of the determination.

Sincerely,

A handwritten signature in cursive script that reads "Delores M. Nelson".

Delores M. Nelson  
Information and Privacy Coordinator

Enclosures



7 November 2005

**VIA FEDERAL EXPRESS**

James H. Lesar, Esquire  
Attorney at Law  
1003 K Street, N.W., Suite 640  
Washington, DC 20001

Reference: F-1994-00036  
F-1998-00734  
F-1998-00735  
F-1998-00736  
F-1998-00742  
(D.C. Cir. No. 04-5235)

Dear Mr. Lesar:

On 5 January 1994 and 23 April 1998, your client, Roger Hall, submitted Freedom of Information Act (FOIA) requests seeking the following information:

1. POW/MIAs sent out of S.E. Asia (to China, Russia, N. Korea, Cuba, etc.); whether they be civilian or military even if they are not now in a prisoner status as long as they at any time were a POW/MIA and have not returned, been returned, or their remains returned; even if they voluntarily allowed themselves to go after being captured. (F-1994-00036)
2. Access to and copies of all radio and television broadcast intercepts and newspaper articles from 1968 through and including 1973 that are within the possession and control of the CIA or any agency components, including those that may then have been in existence such as the National Imagery and Mapping Agency (NIMA) and Studies and Observation Group (SOG), and which relate in any way to or mention prisoners of war (POWs) or those missing in action (MIAs) from the Vietnam war or any other conflict then ongoing in South East Asia. (F-1998-00734)

3. All records, reports, memoranda or other documents, in the possession and control of your agency which were prepared by or assembled by the Central Intelligence Agency, including any of its controlled American sources or any other CIA assets or agents, based upon information derived from CIA or other sources, including such foreign and governmental entities as the Royal Laotian government, between January 1, 1971 and December 31 1975 relating to the status of any United States prisoners of war (POWs) or those missing in action (MIAs) in Laos, including but not limited to any reports prepared by Mr. Horgan or any other agent or employee or any other agency. (F-1998-00735)
4. Those records of the Select Committee on POW/MIA Affairs that were withdrawn from the collection of the National Archives and returned to your agency for processing. In addition I request access to the listing of those documents referred to in the attached letter to my client from the Archives. (F-1998-00736)
5. All records in the possession and control of your agency relating to any of the following U.S. military personnel and civilians who were involved in the Vietnam war and were known to be either taken as prisoners of war or listed as missing or killed in action in that conflict. (F-1998-00742)

The enclosed documents constitute the Agency's final response regarding these FOIA requests. Please find enclosed 20 documents that we determined may be released in their entirety and 102 documents that we determined may be released in segregable form with deletions made on the basis of FOIA exemptions (b)(1), (b)(2), (b)(3), and (b)(5). In addition, we determined that 26 documents must be protected in their entirety on the basis of FOIA exemptions (b)(1), (b)(2), (b)(3) and (b)(5). Please find enclosed an explanation of these exemptions.

The official responsible for these determinations is Scott Koch, CIA Information & Privacy Coordinator. Agency regulations specify that the Agency will not accept any administrative appeal of adverse determinations that are the subject of pending litigation in federal court. Because your FOIA requests are the subject of pending federal litigation, the Agency will not accept any administrative appeal regarding the determinations described above. For your information, Agency regulations are located in part 1900 of title 32 of the Code of Federal Regulations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Koch', written in a cursive style.

Scott Koch  
Information and Privacy Coordinator

Enclosure

~~SECRET~~*Keep*

22 May 1972

*Chivona*  
*VACTF 40*

## MEMORANDUM

SUBJECT: Soviet Reaction to a commando raid to release US prisoners-of-war in downtown Hanoi and/or prisoners-of-war ten miles outside Hanoi

1. The initial Soviet reaction to the Son Tay raid in November 1970 was propagandistic. Moscow did not appear especially alarmed, and its media focused instead on the increase in US air strikes that occurred at about the same time. In the wake of the raid, the North Vietnamese undertook to close the radar gap that had enabled US forces to reach Son Tay undetected, and they conducted at least two combined air and ground force exercises aimed at repelling future US raids. Although there is no direct evidence, it seems reasonable to assume that Moscow provided both advice and materiel.

2. Further raids like Son Tay would be likely to produce a similar Soviet response so long as those raids were designed solely to rescue American POWs and were neatly executed. The USSR would protest vigorously in the diplomatic and propaganda arena and would probably be willing to provide Hanoi with advice and additional air defense materiel designed to forestall future US raids. The protest would be more vigorous if the raids took place in Hanoi, and the Soviets presumably would be under more pressure from Hanoi to provide equipment to forestall future US attempts. The Soviets would probably be receptive to this kind of pressure, moreover, because the USSR would resent US boldness in launching an attack on the capital of a "fraternal socialist ally."

3. If either type of raid failed as the Son Tay raid failed, or if the raids resulted in American casualties and US personnel being taken prisoner, the propaganda outcry probably would be more extensive and sustained. The Soviets would be under less pressure, however, to provide Hanoi with new equipment. Soviet propagandists would be sure to point to the venture as one more example of the futility of US efforts in Vietnam and as one more proof

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DATE: FEB 2001

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that the only way to get the prisoners back is by negotiation.

4. In any event, the Soviets would not attach major importance to the venture or draw from it new conclusions about the proper policy toward the US or the Vietnamese problem. Having accepted a summit meeting in the wake of wider US military action against the DRV, they are not likely to alter their current course because of an event which would touch their direct interests not at all.

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### ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM: Chief, Personal Affairs Branch  
[Redacted] Headquarters

EXTENSION

NO.

DATE

10/21/80

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

	DATE		OFFICER'S INITIALS
	RECEIVED	FORWARDED	
1. [Redacted] Hqs.			
2.			
3. C/OS/SSD [Redacted] Hqs.			
4.			
5.			
6. C/PAB [Redacted] Hqs.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

As a courtesy to our colleagues at the Department of Labor, Branch of Special Claims, please advise of any information that might be reflected in your records on the MIA's listed in the attached letter.

[Redacted]

Please call [Redacted] for hand carry.

APPROVED FOR RELEASE  
DATE: JUN 2001

[Redacted]

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**ROUTING AND RECORD SHEET**

SUBJECT: (Optional)				
FROM: [REDACTED] Chief, Personal Affairs Branch [REDACTED] Headquarters		EXTENSION [REDACTED]	NO. DATE 10/21/80	
TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
	RECEIVED	FORWARDED		
1. [REDACTED] Hqs.	OCT 27 1980		[REDACTED]	<p>As a courtesy to our colleagues at the Department of Labor, Branch of Special Claims, please advise of any information that might be reflected in your records on the MIA's listed in the attached letter.</p> <p>[REDACTED]</p> <p>Please call [REDACTED] for hand carry.</p> <p><i>1-3 NO RECORD IN [REDACTED] OF ANY OF THE ATTACHED NAMES [REDACTED]</i></p>
2.				
3. C/PAB [REDACTED] Hqs.				
4.				
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15.				



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**ROUTING AND RECORD SHEET**

SUBJECT: (Optional)

FROM: [Redacted] Chief, Personal Affairs Branch [Redacted] Headquarters	EXTENSION: [Redacted]	NO.:
		DATE 10/21/80

TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
	RECEIVED	FORWARDED		
1. C/OS/SSD [Redacted] Hqs.	21 OCT 1980		✓	<p>As a courtesy to our colleagues at the Department of Labor, Branch of Special Claims, please advise of any information that might be reflected in your records on the MIA's listed in the attached letter.</p> <p>[Redacted]</p> <p>Please call [Redacted]</p> <p>5 - 8 Per our telecon.</p>
2.				
3.				
4.				
5. C/PAB [Redacted] Hqs.	✓			
6.				
7.				
8. OF/PB 736 Ames Attn: [Redacted]		11/4	[Redacted]	
9.				
10. C/PAB [Redacted] Hqs				
11.				
12.				
13.				
14.				
15.				

**FOIA  
REVIEW SIGN-OFF**

**Date Submitted for Review:** \_\_\_\_\_

**Case Number:** \_\_\_\_\_ **Case Manager:** \_\_\_\_\_

**Referral/Coord:**

**Direct Request:**

**Case Location:**  Case Analysis  Issue Resolution  Case QA

**Letter Type:**  Acceptance  SPR  Follow-up  Final

**Reviewed By:**

Toni \_\_\_\_\_

Pat V. \_\_\_\_\_

Frieda \_\_\_\_\_

Bev \_\_\_\_\_

Michele \_\_\_\_\_

DC/PIPD \_\_\_\_\_

C/PIPD \_\_\_\_\_

**Reviewer Comments:**